

Remarks

The Office Action mailed October 3, 2005 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1, 5, and 8-19 are now pending in this application. Claims 1 and 5 are amended. Claims 1, 5, and 8-19 stand rejected. Claims 2-4, 6-7 and 20-21 have been cancelled.

In accordance with 37 C.F.R. 1.136(a), a two-month extension of time is submitted herewith to extend the due date of the response to the Office Action dated October 3, 2005 for the above-identified patent application from January 3, 2006 through and including March 3, 2006. In accordance with 37 C.F.R. 1.17(a)(2), authorization to charge a deposit account in the amount of \$450.00 to cover this extension of time request also is submitted herewith.

The Office Action asserts that the phrase “re-alerted and backdated data” is not clearly defined in the specification. The Office Action further asserts, the phrase “re-alerted and backdated data” as used in the specification, is interpreted to mean “updating previously exported data with newly changed data.” However, Applicants respectfully submit that the Examiner’s interpretation of the phrase is incorrect and that rather in accordance with 37 C.F.R. 1.75, the invention should be interpreted as recited within the claims and described within the specification. For example, on page 8 of the specification, it recites “the searches of the various database tables will retrieve re-smoothed, re-alerted, and backdated data. That is if a data record that had previously been exported to the destination database 24 is subsequently changed in the program database 20, then the extractor program 22 will update this data record in the destination database 24.” In addition, Claims 1 and 5, for example, recite a method that includes, among other things, exporting data that includes alert data, initialization data, and compressed data, as well as, re-alerted and backdated data. As such, Applicants respectfully request that the phrase “re-alerted and backdated data” be interpreted as defined in the specification in light of the claims.

The rejection of Claims 1, 5, and 8-19 under 35 U.S.C. § 103 as being unpatentable over Jiang (US 6,278,913 B1) in view of Dahlberg (US 6,463,439 B1) is respectfully traversed.

Jiang describes sampling and filtering, decoding, encrypting and compressing data and placing it onto a smart card (see Fig. 7). Although a filtering process can be used to reduce noise, remove artifacts, etc. (Fig. 8(b)). Jiang describes that the filtering process is used in conjunction with placing data to the smart card, col. 8, lines 33-45 and col. 9, lines 18-35. Specifically, Jiang does not describe nor suggest backdating or re-alerting data in the discussion of downloading and analyzing data at col. 15, line 11 to col. 16, line 43 or at col. 5, line 47 to col. 6, line 13. Notably, Jiang does not describe nor suggest a method of exporting data from an engine condition monitoring program database to a long term storage destination database, wherein the method includes downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system having an engine condition monitoring program, wherein the engine condition monitoring program generates smoothed output data and a data base that stores engine input data, engine raw output data, engine smoothed output data, aircraft input data, aircraft raw output data, and/or aircraft smoothed output data. Moreover, Jiang does not describe nor suggest exporting data that includes alert data, initialization data, and compressed data, as well as, re-alerted and backdated data.

Dahlberg describes a method of time-stamping data within a database. The time-stamping facilitates extracting data in increments. The method includes only extracting data that has changed based on time stamps. Notably, Dahlberg does not describe nor suggest a method of exporting data from an engine condition monitoring program database to a long term storage destination database, wherein the method includes downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system having an engine condition monitoring program, wherein the engine condition monitoring program generates smoothed output data and a data base that stores engine input data, engine raw output data, engine smoothed output data, aircraft input data, aircraft raw output data, and/or aircraft smoothed output data. Moreover, Dahlberg does not describe nor suggest exporting data that includes alert data, initialization data, and compressed data, as well as, re-alerted and backdated data.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Jiang nor Dahlberg,

considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Jiang and Dahlberg, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching. Rather, only the conclusory statement that "it would have been obvious to one skilled in the art at the time of the invention was made to combine Dahlberg and Jiang's method in order to reduce the time and resource required for the next data extraction, because only changed and added data identified using the time stamps are exported" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion nor motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Since there is no teaching or suggestion in the cited art for the combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants request that the Section 103 rejection be withdrawn.

Further, and to the extent understood, neither Jiang nor Dahlberg, considered alone or in combination, describe or suggest the claimed combination, and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites a method of exporting data from an engine condition monitoring program database to a long term storage destination database, said method comprising “downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system having an engine condition monitoring program, wherein said engine condition monitoring program generates smoothed output data, and using said program database for storage and analysis . . . extracting data from said program database, wherein said data comprises engine configuration data, aircraft configuration data, engine input data, engine raw output data, engine smoothed output data, aircraft input data, aircraft raw output data, aircraft smoothed output data, alert data, initialization data and compressed data, and wherein said extracted data includes re-alerted and backdated data . . . exporting said extracted data to said long term storage destination database . . . and after a successful export, updating an external time file with the date and time of said successful export.”

Neither Jiang nor Dahlberg, considered alone or in combination, describes nor suggests a method of exporting data from an engine condition monitoring program database as is recited in Claim 1. Specifically, neither Jiang nor Dahlberg, considered alone or in combination, describes nor suggests a method of exporting data from an engine condition monitoring program database to a long term storage destination database, wherein the method includes downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system having an engine condition monitoring program, wherein the engine condition monitoring program generates smoothed output data, and using the program database for storage and analysis. Furthermore, neither Jiang nor Dahlberg, considered alone or in combination, describes nor suggests extracting data from the program database, and wherein the data includes engine configuration data, aircraft configuration data, engine input data, engine raw output data, engine smoothed output data, aircraft input data, aircraft raw output data, aircraft smoothed output data, alert data, initialization data and compressed data, and wherein the extracted data includes re-alerted and backdated data.

Rather, in contrast to the present invention, Jiang describes a data management system used to measure flight parameters such as airspeed, heading, fuel consumption, altitude,

engine temperature, engine rpm, and Dahlberg merely describes a method for time-stamping. Notably, neither Jiang nor Dahlberg, alone or in combination, describe nor suggest a method of exporting data from an engine condition monitoring program database to a long term storage destination database, wherein the method includes downloading data recorded in a flight data recorder to a program database retaining only recent data in a ground-based computer system having an engine condition monitoring program, wherein the engine condition monitoring program generates smoothed output data and a data base that stores engine input data, engine raw output data, engine smoothed output data, aircraft input data, aircraft raw output data, and/or aircraft smoothed output data. Moreover, neither Jiang nor Dahlberg, alone or in combination, describe nor suggest exporting data that includes alert data, initialization data, and compressed data, as well as, re-alerted and backdated data. Accordingly, for at least the reasons set forth above, Claim 1 is respectfully submitted to be patentable over Jiang in view of Dahlberg

Claim 5 recites “a method of exporting data from said program database to said destination database, said method comprising “downloading data recorded in a flight data recorder to said program database for short term storage and analysis . . . generating smoothed output data from the engine condition monitoring program . . . reading an external time file to determine the last date and time that data was successfully exported to said destination database . . . searching said program database for data that is new or changed since said last successful export . . . retrieving data found in searching said program database, wherein said data comprises engine configuration data, aircraft configuration data, engine input data, engine raw output data, engine smoothed output data, aircraft input data, aircraft raw output data, aircraft smoothed output data, alert data, initialization data and compressed data, and wherein said extracted data includes re-smoothed, re-alerted, and backdated data . . . exporting said retrieved data to said long term storage destination database . . . and after a successful export, updating said external time file with the date and time of said successful export.”

Neither Jiang nor Dahlberg, considered alone or in combination, describes nor suggests a method of exporting data from a program database to a destination database as is recited in Claim 5. Specifically, neither Jiang nor Dahlberg, considered alone or in combination, describes nor suggests a method of exporting data from an engine condition monitoring program database to a long term storage destination database, wherein the method

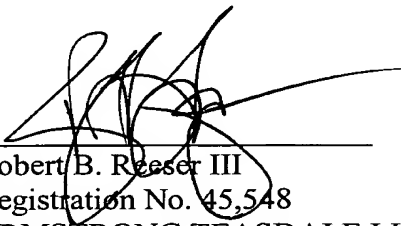
includes generating smoothed output data from the engine condition monitoring program and retrieving data found in searching the program database, wherein the data includes engine smoothed output data, aircraft smoothed output data, alert data, initialization data and compressed data, and wherein the extracted data includes re-alerted and backdated data. Rather, in contrast to the present invention, Jiang describes a data management system used to measure flight parameters such as airspeed, heading, fuel consumption, altitude, engine temperature, engine rpm, and Dahlberg merely describes a method for time-stamping. Notably, neither Jiang nor Dahlberg, alone or in combination, describe nor suggest extracting engine smoothed output data and aircraft smoothed output data. Moreover, neither Jiang nor Dahlberg, alone or in combination, describe nor suggest extracting alert data, re-alerted, and backdated data from a program database. Accordingly, for at least the reasons set forth above, Claim 5 is respectfully submitted to be patentable over Jiang in view of Dahlberg.

Claims 8-19 depend from independent Claim 5. When the recitations of Claims 8-19 are considered in combination with the recitations of Claim 5, Applicants submit that dependent Claims 8-19 likewise are patentable over Jiang in view of Dahlberg.

For at least the reasons set forth above, Applicants respectfully request that the 35 U.S.C. § 103 rejection of Claims 1, 5, and 8-19 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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